IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19780 of 2004

Between:

Md.Muktar, S/o.Md.Masthan,
R/o.Elagandal, Karimangar Dist.

... PETITIONER

AND

1 The Secretary Regional Transport Authority, Karimangar.
2 The Asst. Motor Vehicles Inspector, Enforcement, Karimangar.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in seizing the petitioner vehicle bearing Registration Nos.AP-15 t-3367 & A-15 T-3368 pursuant to the check report No.0122752 dt. 25-08-2004 and keeping the same in the office of the RTA, Karimnagar, as arbitrary and illegal, and further direct the respondents to release the said vehicle to the petitioner forthwith, and pass such other order or orders as this Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:SMT.M.VINOBHA DEVI

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

The Court at the admission stage made the following:

ORAL ORDER:

1. The petitioner is the owner of a Tractor bearing No.AP-15T-3367

and Trailor bearing No.AP-15T-3368. A check was conducted on the said vehicle on 25-8-2004 by the second respondent and the vehicle was seized on the ground that the vehicle documents were not available with the vehicle. A Check Report was issued on the same day to that effect. The petitioner therefore approached this Court to declare that the action of the second respondent in seizing and detaining his tractor and trailor as illegal and arbitrary and to release the vehicle from the custody of the first respondent.

2. The petitioner produced a copy of the Registration Certificate of the tractor and trailor before this Court. The enquiry is pending before the first respondent. It is likely to take sometime for the conclusion of the enquiry and to pass appropriate orders. If the vehicle is kept idle, it is likely to be damaged. I am therefore inclined to release the vehicle of the petitioner for interim custody pending disposal of the matter by the first respondent.

3. In the light of the above circumstances, the first respondent is directed to release the Tractor and Trailor bearing Nos.AP-15T-3367 and AP-15T-3368 respectively of the petitioner on the following terms and conditions:

    1. The petitioner shall deposit a sum of Rs.5,000/- with the first respondent.

    2. He shall pay the tax, if any, due for the vehicle for the previous quarter.

    3. He shall not transfer the vehicle in favour of others without the permission of the first respondent.

    4. He shall produce the vehicle as and when required by the first respondent.

    5. He shall file his explanation and cooperate with the first respondent for the completion of enquiry regarding the seizure of the vehicle and the Check Report.

4. The writ petition is accordingly disposed of.

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(Dr.G.Yethirajulu, J)

29th October 2004.

Svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary Regional Transport Authority, Karimangar.
2 The Asst. Motor Vehicles Inspector, Enforcement, Karimangar.

3 The Government Pleader for Transport, High Court of Andhra Pradesh, Hyderabad.

4 Smt. Vinobha Devi, Advocate (OPUC)

5 2 CD copies.

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